

Message Text

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ACTION IO-13

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TO SECSTATE WASHDC PRIORITY 1244

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FROM AMBASSADOR LODGE'S OFFICE

E.O. 11652: N/A

TAGS: UNIDO, PFOR, USUN, VT

SUBJECT: VATICAN DESIRE FOR PERMANENT OBSERVER STATUS WITH UNIDO

REF: (A) ROME 17726, (B) ROME 18480, (C) VIENNA 9465,
(D) VIENNA 9292

1. ON NOVEMBER 15 WE RECEIVED LETTER (DATED NOV. 12) FROM
VATICAN'S SUBSTITUTE SECRETARY OF STATE DENELLI ENCLOSING A
"MEMORANDUM" ON THE HOLY SEE'S POSITION RELATIVE TO CURRENT
UNIDO DISCUSSIONS IN VIENNA.

2. LETTER STATES THAT "HOLY SEE WISHES TO OBTAIN LEGAL RECOGNITION
OF ITS CLEAR AND UNEQUIVOCAL STATUS AS PERMANENT OBSERVER TO THE
FUTURE SPECIALIZED AGENCY" AND REQUESTS THAT WE QUOTE KINDLY
PRESENT THE POSITION OF THE HOLY SEE TO YOUR GOVERNMENT IN VIEW
OF A POSITIVE SOLUTION OF THE CASE, THE MATTER BEING ONE TO WHICH
HOLY SEE ATTACHES THE GREATEST IMPORTANCE. UNQUOTE.

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3. WE BELIEVE THAT SUBSTANCE OF "MEMORANDUM" IS PROBABLY ALREADY KNOWN TO U.S. REPS AT UNIDO. NEVERTHELESS, WE ARE POUCHING COPIES TO THE DEPARTMENT AND TO VIENNA. FOLLOWING OPERATIVE PARAGRAPHS, HOWEVER, APPEAR OF IMMEDIATE INTEREST:

QUOTE IN CONNECTION WITH THE DRAFTING OF A CONSTITUTION FOR UNIDO AS A SPECIALIZED AGENCY, THE HOLY SEE WISHES TO OBTAIN RECOGNITION OF ITS CLEAR AND UNEQUIVOCAL LEGAL STATUS AS PERMANENT OBSERVER TO THE FUTURE SPECIALIZED AGENCY. WITH A VIEW TO THIS, THE REPRESENTATIVES OF THE HOLY SEE HAVE HAD DISCUSSIONS DURING THE THREE SESSIONS OF THE INTER GOVERNMENTAL COMMITTEE OF THE WHOLE, BOTH WITH SOME MEMBERS OF OTHER DELEGATIONS AND WITH THE LEGAL DEPARTMENTS OF THE UNITED NATIONS AND UNIDO, IN ORDER TO EXPLORE THE VARIOUS POSSIBILITIES FOR ACHIEVING RECOGNITION OF A SPECIFIC STATUS FOR IT.

FROM THE INFORMATION OBTAINED, THE HOLY SEE CONCLUDES THAT THE BEST MEANS OF ACHIEVING RECOGNITION OF ITS SPECIFIC POSITION WITH RESPECT TO THE NEW SPECIALIZED AGENCY WOULD BE THROUGH THE INCLUSION OF A PROVISION UNDER WHICH THE HOLY SEE WOULD BE ENTITLED TO SET UP A PERMANENT OBSERVER MISSION, EITHER IN ONE OF THE ARTICLES OF THE CONSTITUTION, OR IN AN ANNEX HAVING CONSTITUTIONAL FORCE.

THEREFORE, DURING THE THIRD SESSION OF THE INTERGOVERNMENTAL COMMITTEE OF THE WHOLE, THE DELEGATION OF THE HOLY SEE SUBMITTED A PROPOSAL RELATING TO ARTICLE 3 OF THE DRAFT CONSTITUTION, WHICH WAS DISTRIBUTED UNDER THE SYMBOL A/AC.180/L.5 ON 9 JULY 1976 (SEE ANNEX I TO THIS MEMORANDUM). TWO VERSIONS WERE PROPOSED, ONE OF WHICH REFERRED IN A GENERAL WAY TO THE POSSIBILITY FOR ALL NON-MEMBER STATES OF THE NEW SPECIALIZED AGENCY TO SET UP OBSERVER MISSIONS, AND THE OTHER SPECIFICALLY RELATING TO THE HOLY SEE. IN THE LIGHT OF THE CONSIDERATIONS SET FORTH IN THE INTRODUCTION TO THESE PROPOSALS, THE HOLY SEE DEFINITELY PREFERS THE SECOND PROPOSAL.

THE HOLY SEE IS CONVINCED THAT THE REPRESENTATIVES OF STATES WILL HAVE NO DIFFICULTY IN ACCEPTING THE SPECIAL NATURE OF THE HOLY SEE AND ITS UNIQUE MISSION WITHIN THE HUMAN COMMUNITY.

IN DESIRING A FIRM LEGAL BASIS FOR ITS PERMANENT OBSERVER STATUS WITH THE NEW AGENCY, THE HOLY SEE IS NOT ASKING FOR ANY PRIVILEGE, SINCE, AS AN OBSERVER, IT WILL NOT TAKE PART IN VOTING IN THE NEW AGENCY. IT ONLY DESIRES THAT THE CONSTITUTION SHOULD FORMALLY RECOGNIZE THE EXISTING STATE OF AFFAIRS, IN OTHER WORDS, LIMITED OFFICIAL USE

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THE "INTERNATIONAL FACT" THAT THE HOLY SEE ALREADY PARTICIPATES IN THE WORK OF A NUMBER OF INTER-GOVERNMENTAL AGENCIES THROUGH PERMANENT OBSERVERS...

REGARDING THE ASSERTION THAT DIFFICULTIES MIGHT ARISE, EVEN POLITICALLY, FROM THE HOLY SEE BEING GIVEN A SPECIAL STATUS, IT SHOULD BE NOTED THAT THE HOLY SEE IS AN INTERNATIONAL ENTITY SUI GENERIS AND THAT ITS CASE COULD EASILY REMAIN AN ISOLATED ONE IF A FORMULA WAS DEVISED WHICH APPLIED TO IT ALONE.

AS MENTIONED ABOVE, THIS ARRANGEMENT WOULD RESPECT THE OBJECTIVE SITUATION OF THE HOLY SEE, ONE WHICH DIFFERS FROM THAT OF ANY OTHER ORGANIZATION THAT IS OR COULD BE REPRESENTED AT INTERGOVERNMENTAL ORGANIZATIONS.

THIS HAS RECENTLY BEEN FULLY RECOGNIZED, ONCE AGAIN, BY THE COUNCIL OF EUROPE, ALTHOUGH HERE THE QUESTION OF THE REPRESENTATION OF THE HOLY SEE DOES NOT ARISE IN EXACTLY THE SAME TERMS, SINCE THE COUNCIL OF EUROPE IS AN INTERGOVERNMENTAL ORGANIZATION OR A REGIONAL NATURE. THE HOLY SEE IS REPRESENTED AT THE COUNCIL OF EUROPE IN STRASBOURG BY A SPECIAL ENVOY WITH THE STATUS OF PERMANENT OBSERVER ... UNQUOTE

5. WOULD APPRECIATE DEPARTMENT'S INSTRUCTIONS ON WHETHER WE SHOULD CONTACT VATICAN IN ACCORD WITH PARA 2, REFTEL D.BEAUDRY

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